

United States District Court

DISTRICT OF MASSACHUSETTS

MICHAEL ROSENBERG, On Behalf of Himself.
and All Others Similarly Situated,

SUMMONS IN A CIVIL CASE

V.

CASE NUMBER:

ASCENT TECHNOLOGY, INC.

04 12220 NMG

TO: (Name and address of defendant)

ASCENT TECHNOLOGY, INC.
One Broadway, Fifth Floor
Cambridge, MA

YOU ARE HEREBY SUMMONED and required to serve upon PLAINTIFF'S ATTORNEY (name and address)

Nancy Freeman Gans
MOULTON & GANS, P.C.
33 Broad St., Suite 1100
Boston, MA 02109-4216
617-369-7979

Michael M. Buchman
J. Douglas Richards
MILBERG WEISS BERSHAD &
SCHULMAN LLP
One Pennsylvania Plaza
New York, NY 10119-0165
212-594-5300

Jack G. Fruchter
ABRAHAM, FRUCHTER &
TWERSKY LLP
One Penn Plaza, Suite 1910
New York, NY 10119
212-279-5050

an answer to the complaint which is herewith served upon you, within twenty (20) days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.



TONY ANASTAS

CLERK

[Signature]

(BY) DEPUTY CLERK

OCT 22 2004

DATE

RETURN OF SERVICE

Service of the Summons and Complaint was made by me (1)

DATE

October 29, 2004

NAME OF
SERVER

JOSEPH OLINTO

TITLE

Process Server / A Disinterested Person

Check one box below to indicate appropriate method of service

☐ Served personally upon the defendant. Place where served: _____, MASSACHUSETTS

☐ Left copies thereof at the defendant's dwelling or usual place of abode with a person of suitable age and discretion then residing therein. Name of person whom the summons and complaint were left: _____

Said service was made at: _____, MASSACHUSETTS

☒ Other: By handing true and attested copies thereof to Mr. Kevin Jarry, Accounting Manager and

Duly Authorized Agent for the within-named Defendant, Ascent Technology, Inc.

Said service was made at:

One Broadway, Fifth Floor, Cambridge, MASSACHUSETTS

STATEMENT OF SERVICE FEES

SERVICE FEE \$ _____ Trips _____

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

Executed on October 29, 2004
Date

Joseph Olinto
Signature of Server

One Devonshire Place, Boston, Massachusetts
Address of Server

ADDITIONAL INFORMATION

PLEASE NOTE THAT IT WAS NECESSARY TO MAKE _____ ATTEMPTS BEFORE MAKING PROPER SERVICE.

Date Time Remarks

FEE

Said service was made at 3:20p.m.

Please note Mr. Jarry is a white male, approximately in his early 30 yrs., black hair, about 5'10", about 160 lbs., glasses.

TOTAL

\$ _____
\$ _____
\$ _____
\$ _____
\$ _____
\$ _____

Subscribed and sworn to before me, a Notary Public, this 29th Day of October, 2004

Marilyn J. Kelly
My Commission Expires: 12/24/04

(1) As to who may serve a summons see Rule 4 to the Federal Rules of Civil Procedure.